

Application Serial No. 10/561,502
Amendment After Final Rejection Dated May 19, 2010
Reply to Final Rejection Dated February 19, 2010

REMARKS/ARGUMENTS

Claims 1-11 and 26 are pending. By this Amendment, the specification is amended to address a matter of form presented in the Office Action. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (a) place the application in condition for allowance for all of the reasons discussed herein; (b) do not raise any new issues requiring further search or consideration; (c) address formal requirements of the Office Action; and (d) place the application in better form for appeal, if necessary. Accordingly, entry is proper under 37 C.F.R. §1.116.

FORMAL MATTER

The Office Action notes the use of the trademarks “WEBSPHERE” and “DOMINO” in the application and notes that all trademarks should be capitalized where ever it appears throughout the specification and be accompanied by the generic terminology. Accordingly, by this Amendment, the specification is amended as instructed by the Examiner to capitalize the marks “WEBSPHERE” and “DOMINO”. Withdrawal of the objection is respectfully requested.

NOVELTY

Claims 1-11 and 26 stand rejected under 35 U.S.C. §102(e) over Thompson, et al. (U.S. Patent No. 6,668,253). This rejection is respectfully traversed for at least the reasons set forth below.

The Examiner asserts that Thompson teaches all of the features of the rejected claims. However, Thompson does not disclose a graphical user interface arranged to display a scorecard (constituting a hierarchy of intent) or other representation of information constituting a hierarchy of intent, as recited in independent Claim 1.

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The Applicant respectfully submits that the Examiner is misinterpreting the claimed phrase “scorecard or other representation of information constituting a hierarchy of intent”, namely with the scorecard as not necessarily constituting a hierarchy of intent. This interpretation certainly is not the Applicant’s intended interpretation. The Applicant intends the phrase to mean that either the scorecard constitutes a hierarchy of intent or the other representation of information constitutes a hierarchy of intent. That is, the scorecard also constitutes a hierarchy of intent.

The scorecard constituting the hierarchy of intent or the other information constituting the hierarchy of intent is defined in the Applicant’s specification, for example at paragraph [0040] on page 2 of the Applicant’s published specification. The hierarchy of intent is defined there as:

“A known hierarchy of objectives culminating in indicators is referred to as a ‘Hierarchy of Intent’”.

Indeed, this paragraph ([0040]) goes on to state that a scorecard is an example of an expression of a hierarchy of intent, supporting the applicant’s interpretation above.

The Examiner asserts that Thompson et al. discloses information constituting a hierarchy of intent.

In this respect, on page 9 of the Final Office Action, the Examiner has stated that:

“Fig. 3 illustrates a scorecard as a collection of indicators which relate to performance, financial, production and inventory and compares them to planned levels, these goals show the intent of the business. Additionally, the ability exists to demonstrate different levels of data through the quick drill feature, the different levels at which the results can be assessed in comparison to the goals indicate a hierarchy of intent or different goals at different levels within a company.”

The Examiner’s assertion is respectfully traversed. As set forth in Thompson et al., Fig. 3 shows a so-called “home page” or “quick views” (col. 8, lines 35-42). This view provides one to four reports or graphs as can be seen in Fig. 3. The description focuses on the top right hand graph

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(Profit Performance Against Plan) of Fig. 3 and, at col. 8, lines 44-45, states that this type of view greatly increases the ability to monitor the key performance indicators of the business in question.

As explained at col. 9, lines 3-5, the system of Thompson et al. provides, in addition to the Home Page mentioned above, a full screen mode (Fig. 4). Col. 9, lines 10-13 explains that from the Home Page, the user can choose to take any of the reports to full screen mode by clicking the “window expansion” icon located in the right corner of the report’s title. The “Quick Drill” buttons at the bottom of the graph of Fig. 3 are not adequately described. Indeed, a word search of the document does not reveal the phrase “quick drill” in the Specification. However, Applicant submits that the section entitled “Next Steps (Pre-defined Drill Paths)” addresses this aspect. In this regard, col. 8, lines 53-61, does not mention the exact nature of what is generated when one of the “Quick Drill” buttons is pressed, other than “additional reports with new, more detailed, or related information to the report currently being viewed”. In the case of the top right graph of Fig. 3, presumably one button is allocated per dealership.

In any event, the top right graph of Fig. 3 does not show objectives: it only shows deviation from an objective (positive or negative). A variance is not an objective. In this respect, Variance = Performance against Plan = Actual – Plan. That is, “performance against plan” cannot be equal to “plan”. Hence, performance against plan is not an “objective”. Consequently, this is a first example of Fig. 3 not satisfying the definition above of a hierarchy of intent, because an objective is not being described.

In any event, the data disclosed by Thompson et al. further fails to satisfy the definition of a hierarchy of intent, because the only example of “drilling down” is through use of the “window expansion” icon used in relation to the full screen mode. In this regard, Fig. 4 does not disclose objective data. Hence, if no objectives are described, there is no hierarchy of objectives (for

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example, relative to the graph of the home page in Fig. 3) and hence the hierarchy of intent is not present.

Accordingly, Thompson does not disclose at least a graphical user interface arranged to display a scorecard or other representation of information constituting a hierarchy of intent as recited in Claim 1. Claims 2-11 and 26 depend from Claim 1, and are also believed to be allowable for at least the reasons set forth below. Withdrawal of the rejection of the claims under 35 U.S.C. §102(e) is respectfully requested.

CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below to expedite prosecution of the application.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
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By



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May 19, 2010

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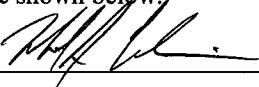
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Date: May 19, 2010

Signature: 

Name: _____

Michael J. Cornelison